

08-28-03

DAC

Docket # HITG.056PA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	GILL et al.	Examiner:	N/A
Serial No.:	10/629,529	Group Art Unit:	N/A
Filing Date:	July 29, 2003	Docket No.:	HSJ920030016US4
Title:	METHOD AND APPARATUS FOR ENHANCING THERMAL STABILITY, IMPROVING BIASING AND REDUCING DAMAGE FROM ELECTROSTATIC DISCHARGE IN SELF-PINNED ABUTTED JUNCTION HEADS HAVING A SELF-PINNED LAYER EXTENDING BEYOND THE FREE LAYER		

## CERTIFICATE UNDER 37 CFR 1.10

Express Mail' mailing label number: EV 309495942 US

Date of Deposit: August 27, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 23313-1450.

By:

Name: Kathleen McDevitt

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 23313-1450

- ☒ Petition to Correct filing Date, pages 1-4, Exhibits A-D.  
☒ Authorization is hereby given to charge any additional fees or credit any overpayments that may be deemed necessary to Deposit Account No. 50-0996 (HITG.056PA).  
☒ 1 Return Postcard.

Respectfully submitted,

Crawford Maunu PLLC  
1270 Northland Drive, Suite 390  
St. Paul, Minnesota 55120  
651-686-6633 (x110)

Date: August 27, 2003

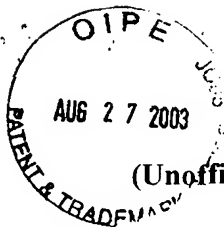
By:

David W. Lynch  
Reg. No. 36,204

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(Unofficial – Post Card) SERIAL NO. 10/629,529

PATENT APPLICATION

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	GILL et al.	Examiner:	N/A
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CERTIFICATE UNDER 37 CFR 1.10

Express Mail® mailing label number: EV 309495942 US

Date of Deposit: August 27, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 23313-1450.

By: Kathleen McDevitt  
Name: Kathleen McDevitt

**PETITION TO CORRECT FILING DATE UNDER 37 CFR §1.10(c)**

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 23313-1450

Dear Sir/Madam:

On July 29, 2003, the undersigned attorney of record filed the above-identified patent application. Along with the application, a self-addressed postcard was submitted pursuant to M.P.E.P. §503. On August 18, 2003, the postcard was returned, identifying Serial Number 10/629,529, and assigned a filing date of July 30, 2003. The actual filing date of this patent application was one day earlier, July 29, 2003, and this petition is being submitted to rectify this discrepancy.

The relevant rule under which the present petition is filed, 37 CFR § 1.10, does not appear to require payment of a petition fee. However, **authorization is hereby expressly provided to charge Deposit Account Number 50-0996 (HITG.056PA)** for any requisite fee(s) associated with this petition.

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The present petition is being submitted pursuant to 37 CFR §1.10(c), which is reproduced below:

(c) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Pursuant to 37 CFR § 1.10(c)(1), the present petition is being filed promptly after becoming aware that the Office has accorded a filing date other than the United States Postal Service (USPS) deposit date. The undersigned attorney of record noticed the incorrect filing date on August 18, 2003, based on a return postcard received at Crawford Maunu PLLC on August 18, 2003. A copy of the return postcard showing the USPTO Serial Number and filing date is attached as Exhibit A.

37 CFR § 1.10(c)(2) requires that the number of the "Express Mail" mailing label be placed on the papers that constitute the correspondence prior to the original mailing by "Express Mail." This requirement was met, as evidenced by the transmittal document filed with this patent application, attached as Exhibit B. As seen from the transmittal document shown in Exhibit B, a "CERTIFICATE UNDER 37 CFR 1.10" was provided, identifying "Express Mail mailing label number" EV 309495995 US. The Express Mail mailing label sticker is also shown on the file copy of the document, positioned to the right of the address block. Compliance with 37 CFR § 1.10(c)(2) has therefore been achieved.

37 CFR § 1.10(c)(3) requires true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to

show the date of deposit. This showing can be established by the Applicant, as set forth below.

The facts associated with this issue are generally as follows. The above-identified patent application was prepared for filing on July 29, 2003. An "Express Mail" mailing label number (EV 309495995 US) was included in the 37 CFR § 1.10(a) certificate on the transmittal documents accompanying the patent application. A self-addressed postcard was attached to the patent application pursuant to M.P.E.P. §503 (see Exhibit A). The patent application, accompanying documents, and self-addressed postcard were packaged in a single Express Mail package, which was hand-delivered to the USPS by an employee of Crawford Maunu PLLC on July 29, 2003. The USPS entered the date of 7/29/03 in the "Date In" field of the Express Mail label, which is the correct date. A copy of the Express Mail label is attached at Exhibit C.

On August 18, 2003, the postcard (Exhibit A) was returned, assigning the application Serial Number 10/629,529, and a filing date of July 30, 2003. However, the postcard also indicated a handwritten filing date of 7/29/2003. The undersigned attorney of record was notified on August 18, 2003 by a Crawford Maunu PLLC employee that the filing date accorded by the USPTO did not correspond to the date of the 37 CFR § 1.10(a) certification. To further show compliance with the requirements of 37 CFR § 1.10(c)(3), we are attaching a copy of the receipt, shown as Exhibit D, generated by the USPS on 7/29/2003 indicating that the Express Mail package EV 309495995 US was deposited with the USPS on 7/29/2003. As evidenced by this USPS document, the date and time in which EV 309495995 US was accepted at the Minneapolis, MN USPS was 7/29/2003, 06:24:55 PM.

It is respectfully submitted that the foregoing information fully complies with 37 CFR § 1.10(c). The Applicant respectfully requests that the filing date corresponding to U.S. Patent Application Number 10/629,529 be accorded the proper filing date of July 29, 2003.

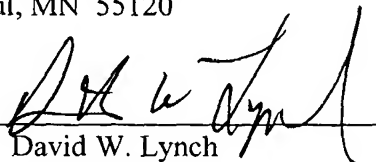
The undersigned attorney of record may be contacted at 651-686-6633 (extension 116) to discuss any issues related to this matter.

Respectfully submitted,

Crawford Maunu PLLC  
1270 Northland Drive, Suite 390  
St. Paul, MN 55120

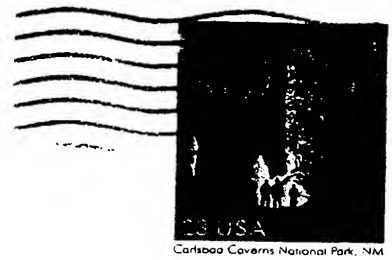
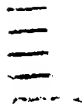
Date: August 27, 2003

By:

A handwritten signature in black ink, appearing to read "David W. Lynch", written over a horizontal line.

David W. Lynch  
Reg. No. 36,204

## **EXHIBIT A**

[illegible]

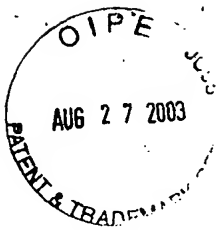
07/30/03

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## **EXHIBIT B**



## EXHIBIT C



EV 309495995 US



UNITED STATES POSTAL SERVICE®

Customer Copy

Label 11-F June 2002

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)				DELIVERY (POSTAL USE ONLY)			
PO ZIP Code 55111	Date of Delivery Mo. Day Year 7-29-03	Flat Rate Envelope <input type="checkbox"/> First <input type="checkbox"/> Second <input type="checkbox"/>	Postage \$ 13.65	Delivery Attempt Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Date in Mo. Day Year 6-15-03	Time in <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 1st Day <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee	Delivery Attempt Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Weight lbs. 12.023	Int'l Alpha Country Code	COD Fee	Insurance Fee	Delivery Date Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Special Service Client Ind. No.	Total Postage & Fees \$ 13.65		<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. Fast delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.			
CUSTOMER USE ONLY METHOD OF PAYMENT: Express Mail Corporate Acct. No. X551112				NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday Customer Signature			
FROM: (PLEASE PRINT) CRAWFORD MAUNU PLLC 1270 NORTHLAND DR STE 390 SAINT PAUL HIT6-0569A				TO: (PLEASE PRINT) COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450 Mail Stop Patent Application			
TWIN CITIES AIR MAIL CENTER JUL 29 2003							

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You are making 3 copies.

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



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**EXHIBIT D**



Twin Cities AMC Site B  
St. Paul, Minnesota  
55119998

07/29/2003 (612)970-7640 06:24:55 PM

Sales Receipt			
Product	Sale	Unit	Final
Description	Qty	Price	Price
ALEXANDRIA VA 22313			\$13.65
Express Mail PO-ADD Flat			
Rate			
Serial Number	EV309495995US		
Next Day Noon / Normal			
Delivery			
Paid by account:			\$13.65
EMCA account number:			551112
ALEXANDRIA VA 22313			\$13.65
Express Mail PO-ADD Flat			
Rate			
Serial Number	EV309496537US		
Next Day Noon / Normal			
Delivery			
EMCA account number:			551112
Total:			\$0.00

Paid by:

Bill#: 1000100218634  
Clerk: 20

Refunds only per DMM P014  
Thank you for your business  
Customer Copy